

The Honorable Ricardo S. Martinez

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

1. CRESENCIO MORENO AGUIRRE,  
2. RAFAEL RAMIREZ,  
3. SAMUEL DUARTE AVILA,  
4. SERGIO REYES-PINA,  
5. ELYAS MOHAMED KEROW,  
6. DAVID WILLIAM ARMER,  
7. BRETT DAVID RADCLIFF,  
8. HERBERT DEAN SCOTT JR., and  
9. VIET PHI NGUYEN,

Defendants.

NO. CR21-108-RSM

**PROTECTIVE ORDER  
RESTRAINING CERTAIN  
FORFEITABLE PROPERTY**

THIS MATTER comes before the Court on the United States' Motion for Entry of a Protective Order Restraining Certain Forfeitable Property ("Motion"), of the following property:

a. \$117,699 in U.S. Currency seized on or about June 30, 2021, from various locations in Rafael Ramirez's residence, located at 112 ½ 5th Avenue SW, Pacific, Washington ("**Subject Property 1**");

b. One Glock 17 handgun, bearing serial number NAD638, and any associated magazines and ammunition, seized on or about June 30, 2021 from 1106 SW 139th Street, Burien, Washington, the residence of Sergio Reyes-Pina (“**Subject Property 2**”);

c. \$45,790 in U.S. Currency seized on or about June 30, 2021, from a safe within 1012 7th Avenue NW, Puyallup, Washington, the residence of Brett Radcliff (“**Subject Property 3**”);

d. Nine firearms, and associated accessories and ammunition, seized on or about June 30, 2021 from 1012 7th Avenue NW, Puyallup, Washington, the residence of Brett Radcliff (collectively, “**Subject Property 4**”):

- (1) One Ruger 57 5.7x28 caliber handgun bearing serial number 642-03975 and any associated ammunition;
- (2) One Savage Arms Springfield 944 12-gauge shotgun bearing serial number P580897 and any associated ammunition;
- (3) One Glock 20 10mm Pistol bearing serial number BMTF458 and any associated magazines and ammunition;
- (4) One New England Firearms Pardner SB1 shotgun bearing serial number NU205418 and any associated ammunition;
- (5) One Marlin 60 .22 rifle bearing serial number 15465450 and any associated magazines and ammunition;
- (6) One Marlin 39A Golden Mountie rifle bearing serial number AA5000 and any associated magazines and ammunition;
- (7) One Stevens 320 12-gauge shotgun bearing serial number 1335955 and any associated ammunition;
- (8) One DPMS Panther A-15 5.56 caliber rifle bearing serial number FFH264877 and any associated magazines and ammunition; and

(9) One PW Arms M-91/30, Mosin Nagant 7.62 caliber rifle, bearing serial number 075778, and any associated magazines and ammunition;

e. One Glock 22 handgun, bearing serial number YNB150, and associated accessories and ammunition, seized on or about June 30, 2021 from 21917 30th Avenue S., Apt. 4, Des Moines, Washington, the residence of Cresencio Moreno Aguirre (“**Subject Property 5**”);

f. One Romarm Cugir Micro Draco AK47 7.62x39 handgun, bearing serial number PMD2069320, and associated accessories and ammunition, seized on or about June 30, 2021 from 7726 52nd Avenue Court. E., Tacoma, Washington, the residence of Elyas Kerow (“**Subject Property 6**”);

g. One Kahr P40 .40 caliber handgun, bearing serial number ZC0728, and any associated ammunition, seized on or about June 30, 2021 from a 2014 Mercedes-Benz ES350 VIN WDDKJ5KB8EF225844, registered to H.N. and WECU, located in a parking place assigned to 10825 11th Avenue SW, Seattle, Washington, the residence of Viet Nguyen (“**Subject Property 7**”); and

h. \$2,187 in U.S. Currency, seized on or about June 30, 2021 from various locations at 10825 11th Avenue SW, Seattle, Washington, the residence of Viet Nguyen (“**Subject Property 8**”).

The Court, having reviewed the papers and pleadings filed in this matter, including the United States’ Motion and supporting Declaration of Federal Bureau of Investigation (“FBI”) Special Agent (“SA”) Shawna McCann, hereby FINDS entry of a protective order restraining the above-identified property (hereafter, the “Subject Property”) is appropriate because:

- The United States gave notice of its intent to pursue forfeiture of property that facilitated the offense and proceeds of the offense, including a sum of money, in the Indictment (Dkt. No. 1);

- The United States also gave notice of its intent to pursue forfeiture in the Forfeiture Bill of Particulars and specifically identified the Subject Property (Dkt. No. 170);
- Based on the facts set forth in SA McCann's Declaration, there is probable cause to believe the Subject Property is subject to forfeiture in this case; and
- To ensure the Subject Property remains available for forfeiture, its continued restraint, pursuant to 21 U.S.C. § 853(e)(1), is appropriate.

NOW, THEREFORE, THE COURT ORDERS:

1. The United States' request for a protective order restraining the Subject Property pending the conclusion of this case is GRANTED; and

2. The Subject Property shall remain in the custody of the United States, and/or its authorized agents or representatives, pending the conclusion of criminal forfeiture proceedings and/or further order of this Court.

IT IS SO ORDERED.

DATED this 28<sup>th</sup> day of December, 2021.



RICARDO S. MARTINEZ  
CHIEF UNITED STATES DISTRICT JUDGE

Presented by:

s/Krista K. Bush

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